REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-39 are pending in this application. Claims 1-39 are amended to better clarify the present invention, and support for the amendments is found in original Claim 1-39. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 1-39 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, and Claims 1-20, 31-32, and 39 were rejected under the 35 U.S.C. §112, second paragraph, as being indefinite.

The rejection of Claims 1-39 under 35 U.S.C. § 112, first paragraph, with regard to "LYEE development method," is respectfully traversed as discussed below.

The LYEE program development method (governmentaL methodologY for softwarE providencE) is supported by the specification at least at page 17, line 22 to page 42, line 3 of the specification. More specifically, the claimed features, "a structure in accordance with the LYEE development method," "a structure in compliance with the LYEE development method," and "a pallet structure in accordance with the LYEE development method" is supported by the specification at least at page 17, line 22 to page 42, line 3 of the specification. Further, "a program structure in accordance with the LYEE development method" and "a pallet structure" (W04, W02 and W03 pallets) are illustrated in the non-limiting example of Figure 1 and explained in the specification at least at page 17, line 24 to page 19, line 9. It is respectfully submitted that the LYEE program development method was a well-known technology at the filing date of the present application. It is noted that PCT applications corresponding to U.S. Patent Nos. 6,138, 268, 6,532,586, and 6,792,594 were published prior to the filing date of the present application and discuss the LYEE program

development method, thereby providing evidence that the LYEE program development method was a well-known technology at the filing date of the present invention.[1]

Further, it is respectfully noted that the standard for determining whether the specification meets the enablement requirement is whether one skilled in the art could make or use the invention from the disclosures in the application without undue or unreasonable experimentation (see MPEP § 2164.01). In fact, the Federal Circuit has stated that a patent need not teach, and preferably omits, what is well known in the art. See *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991) and MPEP § 2164.01. Additionally, the test of enablement is not whether any experimentation is necessary, but whether, if experimentation is necessary, it is undue. See *In re Angstadt*, 537 F.2d 498, 504, 190 USPQ 214, 219 (CCPA 1976) and MPEP § 2164.01.

Therefore, in light of the noted support in the original disclosure and the standards of enablement, it is respectfully submitted that the original disclosure is sufficient to enable one skilled in the art to make or use the invention without undue or unreasonable experimentation, and it is respectfully requested that the rejection to Claims 1-39 under 35 U.S.C. §112, first paragraph, be withdrawn.

The rejection of Claims 1-20, 31, 32, and 39 under 35 U.S.C. § 112, second paragraph is also respectfully traversed. Independent Claims 1, 10, 31, and 39 are amended to provide proper antecedent basis, thereby obviating the rejections in paragraph 4 of the outstanding Office Action. Therefore, it is respectfully requested that the rejection to parent Claims 1, 10, 31, and 39, as well as Claims 2-20 and 39 depending therefrom be withdrawn.

Further, MPEP § 2173.02 states that "in reviewing a claim for compliance with 35 U.S.C. §112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope." The test

[1] U.S. Patent Nos. 6,532,586 and 6,792,594 correspond to WO 98/19232 and WO 99/49387, respectively, and WO 98/19232 and WO 99/49387 were submitted in an Information Disclosure Statement filed October 5, 2001.

for definiteness under 35 U.S.C. §112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1576; 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). It is respectfully submitted that one skilled in the art would understand what is claimed in Claims 1-20, 31, 32, and 39 when the claims are read in light of the specification, and therefore, it is respectfully requested that the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

As no other issues are pending in this application, it is respectfully submitted the present application is now in condition for allowance, and it is hereby respectfully requested this case be passed to issue.

Respectfully submitted,

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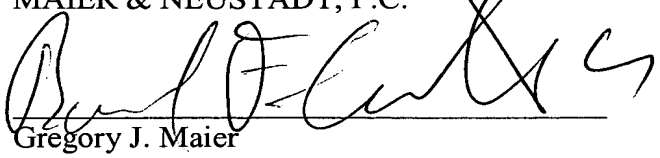

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